

Notice of Allowability

Application No.

09/836,152

Examiner

Scott L. Jarrett

Applicant(s)

BASSON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2006.
2. ☒ The allowed claim(s) is/are 1, 4-18 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/26/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Romain Jeanty
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Mr. Victor Grossman (Reg. No. 46,742) on October 24, 2006.

The application has been amended as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in this application.

Listing of Claims:

1. (Currently Amended) A method for promoting use of a software product having an adaptation module; the method comprising the steps of:
~~providing sample data of a person from a data storage device;~~
~~accessing, by the adaptation module, the sample data associated with the person;~~
~~determining if the software product is an automatic speech recognition (ASR) product and transcribing, by the adaptation module, a verbal sample of data from the sample data if it is determined that the software product is an ASR product;~~
~~and~~
~~configuring the software product to adapt to the person by utilizing the adaptation module and the sample data~~
selecting at least one software product to promote and selecting at least one person from a database by utilizing a predetermined selection criterion, wherein the predetermined selection criterion comprises endorser data;

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determining whether the selected software product is one of an ASR (Automatic Speech Recognition) product, a recognition product, and a biometric product;
scanning a network for sample data related to the selected person based upon the determination and saving the sample data in a sample data database;
adapting, using the adaptation module, the selected product utilizing the corresponding sample data based on the determination step for the selected person, and transcribing a verbal sample of the sample data when the software product is an ASR product;
providing the adapted software product to the person for at least one of the person's approval and use;
tracking the person's usage of the software product;
negotiating an endorsement agreement with the person if the person is satisfied with the software product; and
promoting the person's use of the software product using information collected about the person and information related to the endorsement agreement.

2-3. (Cancelled)

4. (Currently Amended) The method according to claim 1 ~~[[2]]~~, ~~further comprising wherein~~ the step of selecting the person from a person database ~~for storing~~ includes using stored data associated with the person, the associated data including the sample data associated with the person.

5. (Currently Amended) The method according to claim 1, ~~further comprising wherein~~ the step of selecting ~~[[a]]~~ the one software product to be promoted ~~promote~~ includes selecting the software product from a plurality of software products available for promotion stored in a database.

6. (Currently Amended) The method according to claim 1, further comprising the steps of:

accessing a person database storing data associated with the selected at least one person, wherein the person database stores ~~accessing data associated with the selected~~ at least one person, the accessing data providing instructions for accessing the sample data;

~~selecting a person from the person database;~~

retrieving ~~accessing data associated with the selected person; and~~
accessing the sample data based on the retrieved ~~accessing data.~~

7. (Previously Presented) The method according to claim 4, further comprising the steps of:

tracking use of the software product adapted to the selected person; and
storing data in the person database as tracking data associated with the selected person.

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8. (Previously Presented) The method according to claim 7, further comprising the steps of:
obtaining feedback data from the selected person regarding the selected person's satisfaction with the software product; and
storing the feedback data in the person database in association with the selected person.
9. (Original) The method according to claim 8, further comprising the steps of:
incorporating the tracking data and the feedback data associated with the selected person into an advertisement; and
advertising the product.
10. (Original) The method according to claim 4, further comprising the steps of:
scanning publicly available material for finding a name of a person not entered in the person database and data associated with a person having an entry in the person database;
updating the person database by adding a found name of a person not entered in the person database; and
updating the person database by adding data associated with a person having associated data stored in the database.
11. (Currently Amended) A system for promoting the use of a selected software product having an adaptation module, the system comprising:
~~a person database for storing data associated with at least one person including accessing data providing instructions for accessing sample data associated with the at least one person; and~~
~~a server for accessing data associated with a person selected for promoting the selected product from the at least one person and determining if the selected product is an automatic speech recognition (ASR) product and transcribes a verbal sample of data from the sample data if it is determined that the software product is an ASR product, wherein the server uses the accessing data to access the sample data for the selected person and uses the sample data to adapt the product to the selected person utilizing the adaptation module of the product~~
a database for:
storing at least one software product to promote and information associated with at least one person; and
a server for:
selecting the at least one software product to promote and the at least one person from the database by utilizing a predetermined selection criterion, wherein the predetermined selection criterion comprises endorser data;
determining whether the selected software product is one of an ASR (Automatic Speech Recognition) product, a recognition product, and a biometric product;

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scanning a network for sample data related to the selected person based upon the determination and saving the sample data in a sample data database;
adapting the selected product utilizing the corresponding sample data based on the determination step for the selected person;
providing the adapted software product to the person for at least one of the person's approval and use;
tracking the person's usage of the software product;
negotiating an endorsement agreement with the person if the person is satisfied with the software product; and
promoting the person's use of the software product using information collected about the person and information related to the endorsement agreement.

12. (Currently Amended) The system according to claim 11, wherein further comprising a person database for storing the sample data is stored in the person database in association with the selected person.

13. (Original) The system according to claim 11, wherein the server accesses a product database storing product data associated with at least one product, wherein for each product of the at least one product the product data includes instructions for using the product and adapting the product to a user, and wherein the server retrieves the product data associated with a product selected for promotion and uses the instructions included in the associated product data to adapt the selected product to the person.

14. (Original) The system according to claim 13, wherein the server further comprises a user interface for allowing an operator of the server to select at least one of a product for promotion and a person for promoting the selected product.

15. (Original) The system according to claim 11, wherein the data associated with the at least one person further includes contact data including information for one of providing data to the at least one person and providing the at least one person with access to data, and wherein the server uses the contact information for making the adapted product available to the at least one person.

16. (Original) The system according to claim 11, wherein the accessing data further includes recording instrumentation data for providing instructions to one of a device and an operator of a device for recording the sample data, and wherein the server uses the recording instrumentation data for providing instructions to one of a device and an operator of a device for recording the sample data.

17. (Original) The system according to claim 11, wherein the data associated with at least one person further includes associated persons data including accessing data for accessing sample data associated with at least one associated person, wherein

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the server uses the sample data associated with the at least one associated person to adapt the product to the at least one associated person.

18. (Previously Presented) The system according to claim 11, further comprising a person database update module, wherein the update module scans publicly available material for:

finding a name of a person not entered in the person database and enters the found name in the person database; and

finding data associated with a person already having associated data stored in the person database and adds the found data to the data associated with the person already having associated data stored in the person database.

19. (Cancelled)

20. (New) A method for promoting the use of an automatic recognition software product, the method comprising:

selecting at least one software product to promote and selecting at least one person from a database by utilizing a predetermined selection criterion, wherein the predetermined selection criterion comprises endorser data;
determining whether the selected software product is one of an ASR (Automatic Speech Recognition) product, a recognition product, and a biometric product;
scanning a network for sample data related to the selected person based upon the determination and saving the sample data in a sample data database;
adapting the selected product utilizing the corresponding sample data based on the determination step for the selected person;
providing the adapted software product to the person for at least one of the person's approval and use;
tracking the person's usage of the software product;
negotiating an endorsement agreement with the person if the person is satisfied with the software product; and
promoting the person's use of the software product using information collected about the person and information related to the endorsement agreement.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance.

The present invention is directed to system and method for promoting an automatic recognition software product comprising: selecting an automatic software recognition product to be endorsed, adapting the product for a selected endorser using appropriate endorser sample data (e.g. audio files for a automatic speech recognition product) scanned and collected from a network, sending the adapted product to the endorser for their approval and use and then promoting the product based on the endorser's tracked product usage and a negotiated endorsement agreement.

The closest prior art Miciak et al., Choosing a Celebrity Endorser (1994), Durham, Deborah, How to get the biggest bang out of your next spokesperson campaign (1997), Kahn et al., U.S. Patent No. 6,704,709 and Dragon's Naturally Speaking product (as evidenced by at least Kay et al., Dragon Naturally Speaking for Dummies, October 1999; Adler, Alan, Speech Recognition Software, Round II, December 1998/January 1999) fail to teach or suggest either singularly or in combination selecting at least one software product to promote and selecting at least one person *from a database using predetermined endorser selection criteria, determining whether the selected software product is one of an automatic speech recognition product, a recognition product, and a biometric product and scanning a network for sample data related to an endorser, to be used to adapt the product,*

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wherein the sample data scanned for is *based on the determination* as recited in independent Claims 1, 11 and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Saba, Jennifer, Output (1999), teaches the marketing and promotion of speech recognition systems and methods.

- Schwartz, Epharim, Speech gets amplified search capabilities (1999), teaches an automatic recognition system and method (automatic speech recognition) comprising the ability to search for keywords contained in audio files (Dragon Systems AudioMining).

- Bowen, Charles, From sound bites to computer bytes (2000), teach a system and method for scanning (searching) a network (Internet) for keywords in audio files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

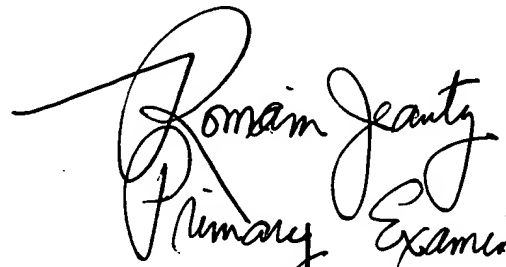
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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10/26/2006


Romain Jeanty
Primary Examiner
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